

*[Handwritten signature]*  
Practitioner's Docket No. 17396/09156

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Frank C. Kohn

Examiner: Alton N. Pryor

Application No.: 10/658,923

Group No.: 1616

Filed: September 9, 2003

Confirmation No.: 2292

For: Control Of Shoot/Foliar Feeding  
Pests With Pesticide Seed Treatments

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that the attached correspondence, comprising of:

1. Fee Transmittal for FY 2008 (2 pages)
2. Notification of Filing of a Continuation (CON) Application (1 page)
3. Supplemental Information Disclosure Citation Transmittal (1 page)
4. Supplemental Information Disclosure Citation in an Application (List)(1 page)
5. Cited References Enclosed (3)
6. Check in the amount of \$180 (submission of SIDS)
7. Return Receipt Postcard,

is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

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P. O. Box 1450  
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on November 30, 2007.

Mim Voet

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Effective on 12/08/2004.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2008

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known	
Application Number	10/658,923 Conf. No. 2292
Filing Date	September 9, 2003
First Named Inventor	Frank C. Kohn
Examiner Name	Alton N. Pryor
Art Unit	1616
Attorney Docket No.	17396/09156

## METHOD OF PAYMENT (check all that apply)

- Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_
- Deposit Account Deposit Account Number: 50-2548 Deposit Account Name: Nelson Mullins Riley & Scarborough, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments
- under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

## 2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity Fee (\$)	Fee (\$)
_____ - 20 or HP = _____	_____ x _____ = _____	_____	_____	50	25

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
_____ - 3 or HP = _____	_____ x _____ = _____	_____	_____	_____	_____	_____

HP = highest number of independent claims paid for, if greater than 3.

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

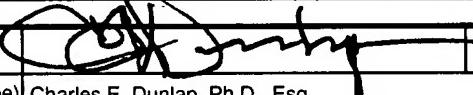
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____ (round up to a whole number)	_____ x _____ = _____	_____	_____

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Filing supplemental IDS after first Office Action in case.Fees Paid (\$)\$180.00

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 35,124	Telephone 864-250-2238
Name (Print/Type)	Charles E. Dunlap, Ph.D., Esq.		Date 11/30/2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

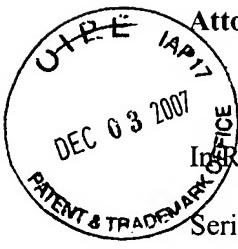


## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



Attorney Docket No. 17396/09156

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Frank C. Kohn ) Examiner: Alton N. Pryor  
Serial No: 10/658,923 ) Art Unit: 1616  
Filed: September 9, 2003 ) Confirmation No.: 2292  
Title: Control of Shoot/Foliar Feeding Pests ) Deposit Account: 50-2548  
With Pesticide Seed Treatments )

**Mail Stop Amendment**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**NOTIFICATION OF FILING OF A CONTINUATION (CON) APPLICATION**

Notification is hereby being made of the filing of a continuation application for this case concurrently herewith.

Date: November 30, 2007

Reg. No.: 35,124

Telephone No.: 864-250-2238  
Facsimile No.: 803-256-7500  
Customer No.: 45850



Signature of Practitioner  
Charles E. Dunlap, Ph.D., Esq.

Nelson Mullins Riley & Scarborough LLP  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29201

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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**37 C.F.R. § 1.8(a)**

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**37 C.F.R. § 1.10\***

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Signature  
Mim Voet

Date: November 30, 2007

Mim Voet

*(type or print name of person certifying)*

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.



Docket No: 17396/09156

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Frank C. Kohn

Examiner: Alton N. Pryor

Application No.: 10/658,923

Group No.: 1616

Filed: September 9, 2003

Confirmation No.: 2292

For: Control Of Shoot/Foliar Feeding Pests With Pesticide Seed Treatments

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R 1.56, 1.97 and 1.98, applicant is submitting the art shown on the attached list for consideration by the Examiner. By submitting such items, applicant is not admitting that such items are prior art. Notation that the items have been considered is respectfully requested.

This Supplemental Information Disclosure Statement is accompanied by the fee set forth in 37 C.F.R. § 1.17(p), as required by 37 C.F.R § 1.97(c)(2).

The Examiner is encouraged to contact the undersigned at his convenience should there be any questions regarding this matter or require any additional information.

Please charge any fees required or deposit any overpayment to Deposit Account No. 50-2548.

Respectfully requested,

NELSON MULLINS RILEY & SCARBOROUGH, LLP

Charles E. Dunlap, Ph.D., Esq.  
Registration No. 35,124  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29201  
Telephone: (864) 250-2238  
Facsimile: (803) 255-9831  
Customer No.: 45850

November 30, 2007

Date